

REMARKS

Claims 1-22 are pending in the application. With this amendment, claims 1, 4, 5, 10, 12, 13, 15, 16 and 18 have been amended in order to further define the invention. Claim 11 has been cancelled. The limitation wherein each arm slot is connected to the height adjustment slot so that the connector member is movable between the height adjustment slot and the arm slot is supported in the drawings as filed and set forth in the description from pages 17, second full paragraph through page 23. The limitation regarding the connector member being adapted to be engaged by a hook or adjustment element of the container receiving host mechanism on the transport vehicle is described in the Summary of the Invention, page 16, first full paragraph; page 22, first full paragraph; and page 23, first full paragraph. Accordingly, no new matter has been added. Consideration of the claims submitted herewith is earnestly solicited.

Claims 1, 2, 7-11 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Yerman, U.S. Patent No. 5,240,320. Claims 3-6-12-14 and 16-22 have been rejected under 35 U.S.C. §103(a) as being anticipated by Yerman, U.S. Patent No. 5,240,320. The Examiner states that Yerman discloses a transportable container comprising a container, a guide member 72,72 (Fig.2) having at least two parallel guide rails on the rear and at least two parallel guide rails at the front portion, a connector member 32 operatively connected to and movable in the slotted track in each of the guide rails.

It is respectfully submitted that the Yerman reference cannot anticipate, nor teach or suggest the present invention as claimed. The Yerman reference is non-analogous art and cannot teach the specific structure claimed in the claims of the application. As stated in the Abstract, Yerman teaches a food service cabinet that includes a shelf support rail and mounting arrangement that provides for removal of the shelf support rails for cleaning and/or adjustment.

Yerman cabinet 20 includes posts 72 having a horizontal slot 73 and a vertically extending slot 79 that forms a T with the horizontal slot 73, see column 6, lines 34-53. As stated in column 6, lines 19-33, a shelf 32 is supported between a pair of shelf support rails 70, see Figs. 2 and 7. A number of shelves may be located within each shelf compartment with shelves including wire racks, baskets, trays, plate carriers, etc.,

see Column 6, line 15-18. One of ordinary skill in the art would not look to the Yerman reference to provide a solution to the prior art problem of providing an attachment apparatus for a container that can be carried by any number of different trucks having different minimum hook heights, as explained in Applicant's specification.

The structure of the Yerman reference cannot anticipate, nor teach or suggest the structure as claimed in Applicant's independent claims. For example, independent claims 1, 10 and 15 claim a slotted track having a height adjustment slot having a slot length and at least two arm slots connected to and extending outwardly a predetermined distance from the height adjustment slot. As further claimed, a connector member is operatively connected and moveable in a slotted track of each of the guide rails. Yerman does not contain a height adjustment slot and two arm slots connected to the height adjustment slot. Yerman can only teach a single individual horizontal slot 73 connected to a single vertical slot 79 as shown in Figs. 2 and 7.

Moreover, independent claims 1, 10 and 15 further contain the limitation wherein each arm slot is open to the height adjustment slot so that the connector member is moveable between the height adjustment slot and the arm slots. Yerman cannot teach or suggest the same.

In fact, Yerman connector member 32 cited by the Examiner is not even connected to and movable within a slotted track as claimed. As illustrated in Fig. 7, shelf 32 is supported by shelf support rail 70 and not connected in a slotted track. As stated in column 6, lines 54 through column 7 line 5, shelf support rail 70 is generally L-shaped and contains an upright leg 82 that fits within slot 73 of guide member 72. As stated in column 7, lines 6 through 42, the shelf support rail is inserted into and connected to guide member 82 utilizing horizontal slot 73. The bottom portions of shelf 32 merely rest on shelf support rail 70 as shown in Fig. 7 and are not connected to and movable in a slotted track as stated by the Examiner. Accordingly, the Yerman reference is not pertinent to the claims of the present invention.

Furthermore, independent claims 1, 10 and 15 claim that each arm slot terminates at an end portion within the guide rail. Yerman teaches away from the claimed limitation as the Yerman "arm slot" 73 as illustrated in Fig. 3 must be open so that support rail 70 can be connected therein and thus to guide member 72.


The Yerman reference can also not teach or suggest as claimed in independent claims 1, 10 and 15 wherein the connector member is adapted to be engaged by a hook or attachment element of a container retrieving host mechanism of a transport vehicle so that the attachment apparatus and thus any container connected thereto can be moved. There is no teaching or suggestion for Applicant's claimed attachment apparatus connected to a container wherein the connector member is adjustable to a plurality of vertical heights so that the hook or other attachment element or transported vehicle can connect thereto for moving and placing the container at various desired locations as explained in Applicant's specification.

It is respectfully submitted that the claims are in condition for allowance and a Notice of such is earnestly solicited.

Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

HUDAK, SHUNK & FARINE CO. L.P.A.


Daniel J. Hudak, Jr.
Registration No. 47,669

DJHjr/js
2020 Front St., Suite 307
Cuyahoga Falls, Ohio 44221
330-535-2220

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